

EXHIBIT A

From: [F.L.](#)
To: [McCann, Caitlin](#)
Cc: [Smith, Aubrey](#)
Subject: Re: Confer Call Follow UP - Request for Extension to April 30, 2024
Date: Thursday, February 22, 2024 5:53:06 PM



Ms. McCaan,

The primary purpose is to give me more time to work on the response to Defendants' motion to dismiss as I have been working on the motion to strike. I can not finish the motion to dismiss response by Feb. 26, 2024, or it will be so rushed I can not make much arguments, and would need to motion for leave to amend. It wasn't until Feb. 16, that the Court said my response to Defendants' motion to dismiss was due on Feb 26. If the Court does not grant me enough time to work on my response, I need to appeal the lack of extension to the Second Circuit because such a short deadline will prejudice me. I also want to make my arguments of estoppel and promissory estoppel which is backed up by the things contained in Dockets 5 and 5.1 to fully argue my case. Should the Court prevent me from making those arguments because dockets 5 and 5.1 are under seal, then I believe it would be an injustice and the Court will be erring and that may need to be appealed to the Second Circuit.

Thank you for your response.

PS - I am omitting Ms. Spangler in this email because it is after 5 PM CST. Feel free to forward her a copy.

On Thu, Feb 22, 2024 at 5:33 PM McCann, Caitlin <CMcCann@winston.com> wrote:

Hi Frank,

As noted during our call, Defendants typically do not have an issue with agreeing to extensions of time. However, per the below, we understand that you are requesting this extension so that you can file a Motion to Unseal draft settlement documents that the Court has already ordered to be sealed. Because the requested extension is based on this stated purpose, which we deem to be non-meritorious, Defendants cannot agree to your requested extension.

Best,

Caitlin McCann

Associate Attorney

Winston & Strawn LLP

D: +1 213-615-1802

winston.com

Admitted to practice in California



From: F L <frank.liu.96@gmail.com>
Sent: Thursday, February 22, 2024 4:07 PM
To: McCann, Caitlin <CMcCann@winston.com>; Smith, Aubrey <BASmith@winston.com>; Spangler, Cardelle <CSpangler@winston.com>
Subject: Confer Call Follow UP - Request for Extension to April 30, 2024

Ms. McCaan,

As discussed on our call, I am requesting an extension till April 30, 2024 to respond to Defendants' motion to dismiss. This is a tentative date because I intend to file a motion to unseal dockets 5 and 5.1 so I can argue estoppel and promissory estoppel in my response to Defendants' motion to dismiss as I do not believe my claims are time barred. I don't know how long the Court will take to rule on the yet-to-be-filed motion to unseal so April 30, 2024 for the response date is just a tentative date and might have to be pushed back more should it take much longer for a ruling on the yet-to-be-filed motion to unseal.

Ms. McCaan, you stated Defendants would want the same extension for their reply brief to the motion to dismiss. I asked you to give me the proposed reply date from your own calculation which you said you would do after you spoke to Defendants.

However, I still intend to file my motion to strike Defendant's Motion to Dismiss because they waited over 6 months to file that and it is extremely untimely and should be stricken in its entirety.

Thank you.

The contents of this message may be privileged and confidential. If this message has been received in error, please delete it without reading it. Your receipt of this message is not intended to waive any applicable privilege. Please do not disseminate this message without the permission of the author. Any tax advice contained in this email was not intended to be used, and cannot be used, by you (or any other taxpayer) to avoid penalties under applicable tax laws and regulations.